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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,

3:20-CV-

11 Plaintiff,

**The United States of America's
Unopposed Motion to Toll the Time to
File a Civil Complaint for Forfeiture in
Rem of the Property
(First Request)**

12 v.

13 \$285,450.00 IN UNITED STATES
14 CURRENCY,

15 Defendant.

16 This is the First Motion to Toll the Time to File a Civil Complaint for Forfeiture in
17 Rem of the Property (Motion). The United States of America requests that this Court toll
18 the time for the United States to file a civil complaint for forfeiture in rem of \$285,450.00 in
19 United States Currency (the property) to and including February 22, 2021 (which is sixty
20 days after the current approximate filing deadline). The property was seized on or around
21 June 23 through 24, 2020 from a Federal Express parcel associated with putative Claimant
22 Thomas Patton.

23 This Motion is made pursuant to 18 U.S.C. § 983(a)(3)(a) and Local Rule LR IA 6-

24 1. The grounds for this Motion are: (1) the United States and putative Claimant are
25 engaged in settlement negotiations; (2) the United States and putative Claimant are
26 conducting additional investigation and gathering additional information to inform those
27 settlement negotiations; (3) the United States and putative Claimant agree that a sixty-day
28 extension of the filing deadline for this civil in rem forfeiture matter will provide a fair

1 opportunity to further the additional investigation, additional information gathering, and
2 settlement negotiations; and (4) tolling the time with respect to all filings stands to save the
3 United States, putative Claimant, and the Court substantial time and resources. Counsel
4 for the United States and counsel for putative Claimant have discussed this matter, and the
5 parties are in agreement that the Court's granting of this Motion would facilitate settlement
6 negotiations and potential litigation efficiencies. The current deadline for filing a civil
7 complaint for forfeiture in rem of the property is on or about December 23, 2020.

8 Dated this 18th day of December 2020.

9 NICHOLAS A. TRUTANICH
10 United States Attorney

11 /s/ James A. Blum
12 JAMES A. BLUM
13 Assistant United States Attorney

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On or about June 23 through 24, 2020, \$285,450 in United States currency was seized from a Federal Express parcel associated with putative Claimant in Washoe County, Nevada.

The \$285,450 was subject to administrative summary forfeiture proceedings; however, putative Claimant filed an administrative claim on or about September 24, 2020, for the property. The government and putative Claimant are engaged in settlement negotiations.

II. ARGUMENT

This Court should grant this application for an extension of time to file a civil complaint for forfeiture in rem of the \$285,450 because putative Claimant has agreed to such an extension. *See* 18 U.S.C. § 983(a)(3)(A); Local Rule LR IA 6-1.

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

18 U.S.C. § 983(a)(3)(A) (brackets and ellipsis added).

The filing of a civil complaint for forfeiture in rem, pursuant to 18 U.S.C. § 983, starts a civil forfeiture in rem action. A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a civil complaint for forfeiture in rem based on the agreement of the parties. Doing otherwise could interfere with the settlement-negotiation process and prompt unnecessary litigation.

On December 16, 2020, putative Claimant’s counsel, Jacek Lentz, agreed to the extension of time and authorized counsel for the United States to file this unopposed Motion with this Court. Because the parties have agreed that the United States should be allowed an extension of time to file its civil complaint for forfeiture in rem, the government asks this Court to grant its Motion pursuant to 18 U.S.C. § 983(a)(3)(A).

This Application is not submitted solely for the purpose of delay or for any other improper purpose.

III. CONCLUSION

This Court should grant an extension of time to and including February 22, 2021 for the United States to file a civil complaint for forfeiture in rem of the \$285,450 because the parties have agreed to the extension and the request for the extension is supported by good cause.

The United States has served putative Claimant, via his attorney, with this Motion simultaneously upon the filing of the Motion, and the United States will serve putative Claimant, via his attorney, with any Order issued by this Court on the Motion.

Dated this 18th day of December 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ James A. Blum
JAMES A. BLUM
Assistant United States Attorney

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: December 21, 2020

CERTIFICATE OF SERVICE

On December 18, 2020, a copy of the foregoing **United States of America's Unopposed Motion to Toll the Time to File a Civil Complaint for Forfeiture in Rem** was served upon counsel of record via following methods:

USPS First Class Mail and Electronic Mail:

Jacek W. Lentz, Esq.
The Lentz Law Firm, P.C.
9171 Wilshire Boulevard
Suite 500
Beverly Hills, CA 90210
(213) 250-9200
jwl@lentzlawfirm.com
Attorneys for Claimant

/s/ Maritess Recinto
MARITESS RECINTO
Paralegal Specialist
US Attorney's Office

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
James A. Blum, 501 Las Vegas Boulevard South, Suite 1100,
Las Vegas, Nevada 89101, 702-388-6336

DEFENDANTS

\$285,450.00 in United States Currency

County of Residence of First Listed Defendant Washoe

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 899 Administrative Procedure
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C 1345ff

VI. CAUSE OF ACTION
Brief description of cause:
Drug Interdiction.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD
12/18/2020 /s/ James A. Blum

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE